

By: Lucio III

H.B. No. 2240

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a requirement that certain recipients of financial  
3 assistance from the Texas Water Development Board adopt certain  
4 restrictions on water use by their customers.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter A, Chapter 15, Water Code, is amended  
7 by adding Section 15.009 to read as follows:

8 Sec. 15.009. FINANCIAL ASSISTANCE; WATERING RESTRICTIONS.

9 (a) This section applies only to financial assistance provided  
10 under this chapter:

11 (1) for a municipal water supply project;

12 (2) in an amount that exceeds \$500,000; and

13 (3) to an entity that:

14 (A) is a:

15 (i) retail public utility as defined by  
16 Section 13.002; and

17 (ii) public entity; and

18 (B) is not a:

19 (i) political subdivision that is primarily  
20 a wholesale water provider; or

21 (ii) nonprofit water supply corporation  
22 created and operating under Chapter 67.

23 (b) The board may waive the requirements of this section for  
24 financial assistance sought to meet an emergency need.

1       (c) Financial assistance provided under this chapter shall  
2 include conditions that require the recipient to have a water  
3 conservation program in place that includes enforceable  
4 time-of-day limitations on outdoor watering by its customers.

5       (d) The board shall:

6           (1) adopt rules to implement this section; and

7           (2) provide guidance to recipients of financial  
8 assistance provided under this chapter in developing and  
9 implementing programs that meet the requirements of this section  
10 and rules adopted to implement this section.

11       SECTION 2. Subchapter B, Chapter 16, Water Code, is amended  
12 by adding Section 16.025 to read as follows:

13       Sec. 16.025. FINANCIAL ASSISTANCE; WATERING RESTRICTIONS.

14 (a) This section applies only to financial assistance provided  
15 under this chapter:

16           (1) for a municipal water supply project;

17           (2) in an amount that exceeds \$500,000; and

18           (3) to an entity that:

19               (A) is a:

20                   (i) retail public utility as defined by  
21 Section 13.002; and

22                   (ii) public entity; and

23               (B) is not a:

24                   (i) political subdivision that is primarily  
25 a wholesale water provider; or

26                   (ii) nonprofit water supply corporation  
27 created and operating under Chapter 67.

1        (b) The board may waive the requirements of this section for  
2 financial assistance sought to meet an emergency need.

3        (c) Financial assistance provided under this chapter shall  
4 include conditions that require the recipient to have a water  
5 conservation program in place that includes enforceable  
6 time-of-day limitations on outdoor watering by its customers.

7        (d) The board shall:

8            (1) adopt rules to implement this section; and

9            (2) provide guidance to recipients of financial  
10 assistance provided under this chapter in developing and  
11 implementing programs that meet the requirements of this section  
12 and rules adopted to implement this section.

13        SECTION 3. Subchapter A, Chapter 17, Water Code, is amended  
14 by adding Section 17.004 to read as follows:

15        Sec. 17.004. FINANCIAL ASSISTANCE; WATERING RESTRICTIONS.

16        (a) This section applies only to financial assistance provided  
17 under this chapter:

18            (1) for a municipal water supply project;

19            (2) in an amount that exceeds \$500,000; and

20            (3) to an entity that:

21                    (A) is a:

22                            (i) retail public utility as defined by  
23 Section 13.002; and

24                            (ii) public entity; and

25                    (B) is not a:

26                            (i) political subdivision that is primarily  
27 a wholesale water provider; or

1                    (ii) nonprofit water supply corporation  
2 created and operating under Chapter 67.

3            (b) The board may waive the requirements of this section for  
4 financial assistance sought to meet an emergency need.

5            (c) Financial assistance provided under this chapter shall  
6 include conditions that require the recipient to have a water  
7 conservation program in place that includes enforceable  
8 time-of-day limitations on outdoor watering by its customers.

9            (d) The board shall:

10                    (1) adopt rules to implement this section; and

11                    (2) provide guidance to recipients of financial  
12 assistance provided under this chapter in developing and  
13 implementing programs that meet the requirements of this section  
14 and rules adopted to implement this section.

15            SECTION 4. (a) As soon as practicable after the effective  
16 date of this Act, the Texas Water Development Board shall adopt  
17 rules under Sections 15.009, 16.025, and 17.004, Water Code, as  
18 added by this Act.

19            (b) Sections 15.009, 16.025, and 17.004, Water Code, as  
20 added by this Act, apply only to an application for financial  
21 assistance submitted to the Texas Water Development Board on or  
22 after the effective date of this Act. An application submitted  
23 before the effective date of this Act is governed by the law in  
24 effect immediately before the effective date of this Act, and the  
25 former law is continued in effect for that purpose.

26            SECTION 5. This Act takes effect September 1, 2017.